GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prosecuting officers – Recruitment to the category of Assistant Public Prosecutor - Appointment – Notification – Orders – Issued.

HOME (COURTS.A) DEPAERTMENT

G.O.Ms.No.31 **Dated:15-02-2023.**

Read the following:-

1. G.O.Ms. No.188, Home (Courts.C) Department dated 30.3.1992.
2. G.O.Ms.No.153, Finance (HR.I-Plg. & Policy) Dept., Dt: 19.09.2018.
3. From the Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada, Letter No : 501/B12/2019: Dated: 30.09.2020.
4. G.O.Ms.No.117, Home (Courts.A) Department, Dated:16.10.2020.
5. Orders of the of Hon'ble High Court of A.P., in W.A.No.253,dt:07.04.2022.
6. From the Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada, Letter No: 1722841/B1/2022, Dated:05.01.2023.

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ORDER:-

In the reference 3rd read above, the Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada, has reported that the Government have permitted for filing up of Fifty (50) posts of Assistant Public Prosecutors through the State Level Police Recruitment Board vide reference 2nd read above. Accordingly, a Notification was issued for filling up of Fifty (50) vacant posts of the Assistant Public Prosecutors, vide Rc.No.40/R&T/Rect.1/2019, dt:30.09.2019.

2. The Chairman, State Level Police Recruitment Board, Andhra Pradesh, while communicating the provisional Selection list has stated that out of 50 notified vacancies, Forty Nine (49) candidates have been provisionally selected for the post of Assistant Public Prosecutor in A.P. State Prosecutions Department and one post under orthopedically handicapped (Woman) category in Zone-IV could not be filled up due to non-availability of eligible candidates and requested to issue necessary orders.

3 In the reference 4th read above, Government have approved the list of 48 selected candidates of zones I to IV received through the Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada and appoint the forty eight (48) candidates selected in zones I to IV of the State of Andhra Pradesh as Assistant Public Prosecutors.

4 Smt. M.Rama Santhi, Reg.No.1030078 filed Writ Petition vide W.P.No.4980 of 2020 before the Hon'ble High Court of Andhra Pradesh, Amaravati claiming that she secured more marks than selected candidates in Zone-IV and her name was not considered due to pendency of case in CC.No.406/2019 of II Additional Judicial First Class Magistrate Court, Machilipatnam. The Hon'ble High Court of Andhra Pradesh dismissed the Writ Petition.

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5. Aggrieved by the above orders of Hon'ble High Court of Andhra Pradesh, Smt.M.Rama Santhi filed Writ Appeal in WA.No.253 of 2021. The Hon'ble High Court of Andhra Pradesh allowed the Writ Appeal and passed orders that *"In the result, writ appeal is allowed, setting – aside the order passed by the learned single Judge in W.P.No.4980 of 2020 dated 02.12.2020, while directing the respondents to appoint this petitioner as APP/Prosecuting Officer in SLPRB, at appropriate roster point, giving benefit of notional seniority from the date when less meritorious candidates that the petitioner were appointed. In case, no vacancy is available in the cadre, respondents are directed to create one supernumerary post and appoint her, reckoning the seniority from the date when less meritorious candidates were appointed for limited purpose of claiming service benefits. However, the petitioner is not entitled to claim monetary benefit, as she was not appointed to the post on the principle of NO WORK – NO PAY. This order will not preclude the respondents to take appropriate action against this petitioner, in the event, she is found guilty for any of the offences involving moral turpitude, after full-fledged trial by the competent Court, in accordance with the service rules or regulations governing the services APP / Prosecuting Officer. No. costs "*

6. In the reference 6th read above, the Director of Prosecutions, AP., Vijayawada has stated that the Chairman, State Level Police Recruitment Board, Mangalagiri vide letter RC.No.40/R&T/Rect.1/2019, dated.16.12.2022 has informed that as per merit list of Assistant Public Prosecutor in Andhra Pradesh State Prosecutions Department vide Notification No. 40/R&T/Rect.1/2019, dated 30.09.2019, the name of Smt.Rama Santhi Moganti, Reg.No.1030078, belongs to OC community and secured 242.8125 marks was placed at Serial No.10. As per her merit, she is eligible in OC (Gen) for Zone-IV and she will be placed below the name of M.Lavanya, Reg. No.1010074 who got 281.5000 marks, selected under OC (Gen) and above the name of V.Padmaja, Reg.No.1030944 who got 239.0000 marks, selected under OC (Gen) in Zone-IV (Kurnool Range). As per the notification, 7 vacancies were filled up in OC (Gen) category in Zone-IV and out of 17 posts in all categories one post belongs to OH category is un-filled, due to non-availability of eligible candidates. Now, the provisional selection to Smt.M.Rama Santhi had to be issued to comply the Court orders.

7. The Director of Prosecutions, AP., Vijayawada has requested the Government to appoint Smt. M.Rama Santhi, Reg.No. 1030078, as Assistant Public Prosecutor in Zone-IV in obedience of the orders of the Hon'ble High Court of Andhra Pradesh.

8. In pursuance of the orders of the Hon'ble High Court of Andhra Pradesh, Amaravati in the reference 5th read above and in the circumstances reported by the Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada in the reference 6th read above, Government hereby, appoint Smt. M.Rama Santhi, Reg.No.1030078 selected in Zone- IV of the State of Andhra Pradesh as Assistant Public Prosecutor in appropriate roster point in Zone-IV in the time scale of pay of Rs.37100-1030-39160-1110-42490-1190-46060-1270-49870-1360-53950-1460-58330-1560-63010-1660-67990-1760-73270-1880-78910-2020-84970-2160-91450 temporarily under Section 10 (a) of the Andhra Pradesh State and Subordinate Service Rules,1996 read

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with the Andhra Pradesh State Prosecution Service Rules, 1992 issued vide reference 1st read above, subject to the conditions as detailed hereunder ;

(i) that the above appointment is purely temporary and is liable to be terminated at any time without prior notice and without assigning any reasons; and
(ii) that the services of the candidate will be regularized subject to his character and conduct being found to be satisfactory.

9. The appointment of the candidate for the post of Assistant Public Prosecutor is subject to outcome of Court cases, if any pending in the Courts.

10. The Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada, is requested to take further necessary action of giving posting orders immediately to the appointed Assistant Public Prosecutor and arrange for training with in the stipulated period as per rules in force.

11. The Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada is requested to take necessary action accordingly to communicate this order to the candidate.

12. Accordingly, the following notification will be published in the next issue of the Andhra Pradesh Gazette:

NOTIFICATION

In exercise of the powers conferred under rule 10(a) of the Andhra Pradesh State and Subordinate Service Rules, 1996 and Section 25 of the Code of Criminal Procedure,1973 (Central Act No.2 of 1974) read with the Andhra Pradesh State Prosecution Service Rules,1992 issued in GO Ms.No.188, Home (Courts.C) Department, Dated 30.3.1992, the Government of Andhra Pradesh hereby appoint Smt. M.Rama Santhi, Reg.No.1030078 of Zone- IV of the State of Andhra Pradesh as Assistant Public Prosecutor in the Category-7 of the Andhra Pradesh State Prosecution Service in the time scale of Rs.37100-1030-39160-1110-42490-1190-46060-1270-49870-1360-53950-1460-58330-1560-63010-1660-67990-1760-73270- 1880-78910-2020-84970- 2160-91450.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada.
The candidate (through) the Director of Prosecutions (FAC), Andhra Pradesh, Vijayawada.

Contd/--4

The Commissioner of Printing, Muthyalampadu, Vijayawada, to publish in the AP Gazette (2 copies).

Copy to:-

The Accountant General, Andhra Pradesh, Vijayawada.
The Chairman, State Level Police Recruitment Board, Andhra Pradesh, Mangalagiri.
The Director General of Police, Andhra Pradesh, Mangalagiri.
The Director of Treasuries and Accounts, Mangalagiri.
The Pay and Accounts Officer, Andhra Pradesh, Mangalagiri.
The OSD to M (Home).
The P.S. to Principal Secretary, Home Department.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER